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PART-I

Notifications, Orders and Declarations by Haryana Government

HARYANA GOVERNMENT

WELFARE OF SCHEDULED CASTES AND BACKWARD CLASSES DEPARTMENT

Notification

The 6th November, 2017

No. 1082-SW(1)-2017.— The Governor of Haryana is pleased to accord assent to set up Commission for Safai Karamcharis known as “Haryana State Commission for Safai Karamcharis” in the State of Haryana as under:-

1. Constitution of the Commission:

- (a) The Commission shall consist of total of **seven** members including the Chairperson.
The Chairperson shall be an eminent person belonging to Balmiki Samaj engaged in socio-economic development and welfare of Safai karamcharis having wide experience in social life.
Not more than **six** non official members belonging to Balmiki Samaj may be appointed by the Government from amongst the persons of ability, integrity and standing having special knowledge in matter relating to the Safai Karamcharis.
Provided further that one out of the **six** non-official members of the Commission shall be a woman.
- (b) The Director, Department of Welfare of Scheduled Castes and Backward Classes, Haryana shall be the ex-officio member.
- (c) There shall be a Secretary to the Commission who shall be appointed by the Government from amongst the officers of the Haryana Civil Service, not below the rank of Joint Secretary.

2. Term of Office and Conditions of service of the Chairperson and Member:

- (a) The Chairperson and member shall hold office for a term not exceeding three years, except the ex-officio member;
- (b) The Chairperson or a member of the Commission may at any time by writing under his hand, addressed to the State Government, resign his office.
- (c) The State Government may remove a person from the office of the Chairperson or of a member if that person-
 - (i) becomes an insolvent; or
 - (ii) has been convicted and sentenced to imprisonment for a period of one year or more for any offence; or
 - (iii) becomes of unsound mind and stands so declared by a competent Court; or
 - (iv) refuses to act or becomes incapable of acting; or
 - (v) without obtaining leave of absence from the Commission, absents from three consecutive meetings of the Commission; or
 - (vi) has in the opinion of the Government, so abused the position as;
Chairperson or Member so as to render that person's continuance in office detrimental to the interest of the Safai Karamcharis.

Provided that no person may be removed under this clause unless that person has been given an opportunity of being heard in the matter by the Administrative Secretary to Government of Haryana, Department of Welfare of Scheduled Castes and Backward Classes with the prior concurrence of the State Government.

- (d) A vacancy caused under forgoing provisions or otherwise may be filled by a fresh appointment by the Government and the person so appointed shall hold office for the remainder of the term of office of the person in whose vacancy such person has been appointed, would have held office, if the vacancy had not occurred :

Provided that, if the vacancy of a member other than that of the Chairperson occurs within six months preceeding the date on which the term of office of the member expires, then such a vacancy shall not be filled in.

- (e) The salaries and allowances payable to, and the other terms and conditions of service of the Chairperson and allowance payable to the Members may be such, as may be specified by the Government.

3. Salaries, allowances, etc. of Chairperson and Members:

The Chairperson and members shall be entitled to the status, salary, allowances and other facilities as may be decided by the State Govt. in accordance with rules frame for the purpose or to be decided while fixing the terms and conditions of the Chairperson and Members of the Commission.

4. Functions and Powers of the Commission:

The Commission shall perform the following functions, namely:—

- (a)
 - (i) on a reference from the government, to investigate, examine and monitor all matters relating to the safeguards provided for the Safai Karamcharis under the Constitution of India or under any other law for the time being in force or under any order of the Government and to evaluate the working of such safeguards ;
 - (ii) to participate and advise on the planning process of socio-economic and educational development of the Safai Karamcharis and to evaluate the progress of their development;
 - (iii) to advise the Government on legislative and developmental policies affecting the Safai Karamcharis;
 - (iv) to monitor the implementation of laws and welfare measures concerning the Safai Karamcharis and initiate action for legal and administrative reforms to improve socio-economic and educational status of the Safai Karamcharis ;
 - (v) to inquire into specific complaints with respect to the deprivation of rights and safe guards of the Safai Karamcharis;
 - (vi) to conduct studies and research into the problems of Safai Karamcharis and report the same to the Government for appropriate action ;

- (vii) to undertake public interest litigation on behalf of an individual or a group of Safai Karamcharis who, in opinion of the Commission, based on facts and evidence brought before it, have suffered injustice or discrimination or to intervene in any pending judicial or quasi-judicial proceeding before a court or authority relating to such matter as also to provide legal aid and rehabilitation in deserving cases.
- (viii) to hold seminar, debates and discussion on problems affecting Safai Karamcharis to create public awareness.
- (ix) to present to the Government, annually and at such other times as the Commission may deem fit, reports upon the working of the safeguards referred to in the preceeding clauses ;
- (x) to review the existing provisions of the laws affecting the Safai Karamcharis and making recommendations qua remedial legislative measures to overcome any lacunae or shortcomings.
- (xi) to suggest and recommend the measures for protection, welfare, socio-economic and educational development of Safai Karamcharis and any other matter, which may be considered necessary and proper by the Commission for the Welfare of Safai Karamcharis or which may be referred to it by the Government.
- (xii) to review or monitor the implementation of programmes/schemes specially sponsored by the State Government for welfare of scavengers and Safai Karamcharis.
- (b) The Government shall consult the Commission on all major policy matters affecting the Safai Karamcharis:

Provided that if any matter specified in this Section is dealt with by the National Commission for Safai Karamcharis Act, 1993.
- (c) An advice of Commission on matters referred to in clause 4 (a) above shall have persuasive value and would ordinarily be accepted by the Government subject to financial limitations, policy constraints, administrative exigencies and statutory obligations.
- (d) Any other matter which may be refer to it by the State Govt.

5. Meeting and Disposal of Business:

- (a) The place of meeting of the Commission shall be the Headquarter of the Commission at Chandigarh/ Panchkula and at such places as the Chairperson may think fit.
- (b) The quorum for a meeting of the Commission shall be at least **four** members including the Chairperson.
- (c) The Commission shall meet as and when necessary but at least once **in** every two months.
- (d) The Commission shall have the authority to transact any business through circulation among the members.
- (e) All decisions of the Commission shall be by majority with Chairperson having a second or casting vote in case of equal division.
- (f) In the absence of the Chairperson, Members present may elect a Member from amongst them to preside over the meeting and the proceedings of such meetings shall be deemed to be proper and legal.
- (g) All meetings of the Commission shall be convened by the Secretary with the approval of the Chairperson. A meeting shall also be convened by the Secretary if 1/3rd members of the Commission demand in writing for a meeting to be convened.
- (h) No proceedings of the Commission shall be invalidated by reason only of any defect in its constitution or on the ground of existence of any vacancy in the office of any members.
- (i) All orders and decisions of the Commission shall be authenticated by the Secretary or any other officer of the Commission duly authorized by the Secretary in his behalf.

6. Protection of acts done in good faith.

No suit, prosecution or other legal proceedings shall lie against any member of the Commission or any person acting under the direction either of the Government or of the Commission, in respect of anything which is in good faith done or intended to be done in pursuance of this notification or any rule made there under.

7. Appointment of Staff of the Commission:-

- (a) The Government shall provide such staff and facilities to the commission as may be determined by the Government for the effective functioning of the commission.

- (b) The Administrative expenses of the commission including the salaries, allowances and other amounts payable to the Secretary, Officers and Staff of the Commission shall be paid as per instructions issued from time to time from Chief Secretary to Govt. Haryana shall be followed.
- (c) The number of posts and service conditions of the staff of the Commission shall be such, as may be specified by the Government.

8. The Chairperson, members and staff of the Commission to be public servants:-

The Chairperson, members, officers and other employees of the Commission shall be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code.

9. Finances, Accounts and Audit :-

- (a) The State Government shall pay to the Commission by way of grants such sums of money as the State Government may think fit.
- (b) The Commission may spend such sums out of the grants as it thinks fit for performing its functions and such sums shall be treated as expenditure payable out of the grants referred to in Sub-Section (a).
- (c) Accounts of income and expenditure of the Commission shall be kept in accordance with such rules, as may be specified.
- (d) The Commission shall prepare an annual statement of accounts in such form as may be specified.
- (e) The accounts of the Commission shall be audited annually by such auditor as the State Government may appoint.
- (f) The auditor shall, for the purpose of the audit, have access to all the accounts and other records of the Commission.
- (g) The Commission shall pay from its grants such charges for the audit, as may be specified.
- (h) The Commission shall send a copy of the annual statement of accounts together with a copy of the report of the auditor to the State Government and shall cause to be published the annual statement of accounts in such manner, as may be specified.
- (i) The State Government may, after perusal of the report of the auditor give such directions, as it thinks fit to the Commission and the Commission shall comply with such directions.

10. Annual Report:-

- (a) The Commission shall prepare an annual report on its activities.
- (b) The Commission may submit as many reports as necessary or as required by the Government from time to time.

11. Involvement of Non- Government Organizations:-

- (a) The Commission shall, as far as possible, operate in association and consultation with Non-Government organizations in State particularly Safai Karamcharis organizations besides government departments and agencies in the discharge of its functions.
- (b) For purpose of involving the Non-Government Organizations, the Commission may evolve and notify norms and standards in consultation with Non-Government organizations on the basis of which it may identify and empanel the organizations in the State.
- (c) A list of such empanelled organizations shall be maintained by the Commission and made available to the Government, if sought.
- (d) The norms and standards for identification/empanelment of Non-Government organization shall be reviewed by the Commission from time to time.
- (e) The Commission may entrust specific tasks for which the Commission has jurisdiction to any of the empanelled Non-Government organization and reimburse its expenses for executing the project successfully within the allocated budget in consultation with Administrative Department.

ANIL KUMAR,
Principal Secretary to Government Haryana,
Welfare of Scheduled Castes and Backward Classes Department, Chandigarh.